REMARKS

In response to the Office Action dated March 17, 2005, Applicants respectfully request reconsideration and withdrawal of the rejections of the claims. Claims 1-152 remain pending in the application. By this Amendment, the specification is amended to identify an illustrated computer system and a co-pending patent application number; and claims 1, 39, 77 and 115 are amended. No new matter is added.

In paragraph 1 of the Office Action, the Examiner objected to the drawings. Specifically, element 10 shown in Fig. 1 was asserted as not having been mentioned in the description. To address the Examiner's concerns the specification at page 8 is amended. Withdrawal of the objection to the drawings is respectfully requested.

In paragraph 2 of the Office Action, the Examiner objected to the disclosure and requested identification of the serial number of a co-pending application disclosed on page 14. To address the Examiner's concerns the specification at page 14 is amended. Withdrawal of the objection to the disclosure is respectfully requested.

Claims 1-4, 39-42, 77-80 and 115-118 were rejected under 35 U.S.C. §103, on the grounds that they were considered to be unpatentable over U.S. Patent 5,928,331 (Bushmitch) in view of U.S. Patent 6,263,371 (Geagan, III et al.). Claims 5-17, 43-55, 81-93 and 119-131 were rejected under 35 U.S.C. §103, on the grounds that they were considered to be unpatentable over the Bushmitch patent in view of the Geagan, III et al. patent, and further in view of U.S. Patent Application Publication 2002/0167948 A1 (Chen). Claims 18-38, 56-76, 94-114 and 132-152 were rejected under 35 U.S.C. §103, on the grounds that they were considered to be unpatentable over the Bushmitch patent in view of the Geagan, III et al. patent, and

further in view of U.S. Patent Application Publication US 2002/0080721 A1 (Tobagi et al.). These rejections are respectfully traversed.

Applicants have disclosed a computer network having at least one client and at least one server, the client and said server being selectively in communication with each other over said network (e.g., page 8, lines 14-17). The server streaming into said network a plurality of Real-time Transport Protocol, RTP, packets addressed for said client. The streaming can be at least at a normal streaming rate commensurate with a rate of reading said packets at said client (e.g., page 4, lines 19-24). Each of the RTP packets includes at least a sequence number and a timestamp (e.g., page 9, lines 5-13). As exemplified in Figs. 5-10, a reliable RTP method includes: acknowledging to said server each of said RTP packets received by said client, re-transmitting from said server to said client any of said RTP packets that remain unacknowledged, continuously determining a maximum number of bytes that may be contained in said RTP packets streaming into said network and, in the event a number of bytes in said RTP packets exceeds said maximum number, discontinuing streaming of said RTP packets until said determining step indicates said number of bytes is less than said maximum number. The reliable RTP can also continuously determine a present streaming rate at which said RTP packets are streamed into said network wherein said present streaming rate exceeds said normal streaming rate. The foregoing features are broadly encompassed by claims 1, 39, 77 and 115.

The Examiner asserts at page 3 of the Office Action that the Bushmitch patent discloses a reliable RTP method comprising "acknowledging to said server each of said packets received by said client." The Examiner supports the assertion with

reference to col. 5, lines 47-48. Applicants respectfully traverse the Examiner's assertion. The Bushmitch patent discloses at col. 5, lines 47-48, "The TCP protocol uses an acknowledgement system to insure that all datagrams are delivered in the proper sequence." But this disclosure does not support the Examiner's assertion that the Bushmitch patent discloses a reliable RTP method that allegedly is capable of acknowledgement. Rather, the Bushmitch patent teaches away from the Examiner's assertion. For example, the Bushmitch patent discloses that "the RTP Protocol simply ignores missing data. The RTP Protocol is also not typically concerned with the sequence of packet delivery." Accordingly, the Bushmitch patent does not teach or suggest acknowledging to a server each RTP packet received by a client and re-transmitting from the server to the client any of packets that remain unacknowledged, as recited in claims 1, 39, 77 and 115.

The Examiner admits at page 3 of the Office Action that the Bushmitch patent does not explicitly disclose "continuously determining a maximum number of bytes that may be contained in said RTP packets streaming into said network." However, the Examiner asserts at page 4 of the Office Action that the Geagan, III et al. patent discloses the same. Notwithstanding the Examiner's assertion, the Geagan, III et al. patent does not teach or suggest acknowledging to a server each of the RTP packets received by a client, re-transmitting from the server to the client any of said RTP packets that remain unacknowledged, and continuously determining a maximum number of bytes that may be contained in said RTP packets streaming. The Geagan, III et al. patent discloses a method and apparatus for seaming of streaming content using additional connections between a content source and a content consumer (abstract), but the Geagan, III et al. patent does not cure the

deficiencies of the Bushmitch patet, and does not teach or suggest acknowledging to a server each RTP packet received by a client and re-transmitting from the server to the client any of the RTP packets that remain unacknowledged, as recited in claims 1, 39, 77 and 115.

The Chen and Tobagi et al. publications, considered individually or in combination with the Bushmitch and Geagan, III et al. patents, do not cure the deficiencies of the Bushmitch and Geagan, III et al. patents. The Chen publication was cited for its disclosure of TCP transmitting segments with sequence numbers (abstract; paragraph [0010]); and the Tobagi et al. publication was cited for its disclosure of known TCP/IP protocol congestion control features. Both references relate to TCP-type implementations, but do not relate to an RTP implementation, and do not teach or suggest acknowledging to a server RTP packets received by a client and re-transmitting from the server to the client any of the RTP packets that remain unacknowledged, as recited in claims 1, 39, 77 and 115.

Accordingly, even if combined, the Chen and Tobagi et al. publications, considered individually or in combination with the Bushmitch and Geagan, III et al. patents, would not have resulted in acknowledging to a server each RTP packet received by a client and re-transmitting from the server to the client any of the RTP packets that remain unacknowledged, as recited in claims 1, 39, 77 and 115. The cited references do not teach or suggest these recited features in a Real-time Transport Protocol (RTP).

For the foregoing reasons, it is respectfully submitted that all pending claims are patentably distinct from the prior art of record. Reconsideration and withdrawal of the rejections are respectfully requested.

Respectfully submitted,

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